

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven Holmes, et al.

Serial No.: 09/446,296

Filed: December 16, 1999

For: METHOD AND APPARATUS FOR
GENERATING A DISPLAY SIGNAL

Examiner:

Group Art Unit:

Irvine, California 92614

**DECLARATION OF BIANCA STUCHFIELD
IN SUPPORT OF PATENT APPLICATION
WHERE CO-INVENTORS REFUSE TO JOIN IN APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

I, Bianca Stuchfield, a British Subject, of Two Way TV Ltd Beaumont House, Kensington Village, Avonmore Road, London, W14 8TS do hereby declare as follows:

1. I am the Senior Patent and Trademark Executive of Two Way TV Ltd, a British company of Beaumont House, Kensington Village, Avonmore Road, London, W14 8TS.
2. One of my duties as Senior Patent and Trademark Executive is to coordinate the filing and prosecution of patent applications, including U.S. Patent Application No. 09/446,296 which results from International Patent Application No. PCT/GB98/01798 filed on 18 June 1998. The PCT application claims priority from British Patent Application No. 9712724.5 dated 18 June 1997. The designated inventors on the subject U.S. Patent Application are Simon Anthony Vivian Cornwell, Richard Andrew Kydd, David John Wright and Steven Holmes.

3. Exhibit 1 is a true copy of an assignment dated 18 June 1998, between Messrs. Wright and Holmes as Assignors and Two Way TV Ltd as Assignee, in which all rights in the invention and the British Patent Application are assigned to Two Way TV Ltd.

4. Since the execution of that assignment, I am aware that Two Way TV Ltd and Messrs. Wright and Holmes have been discussing the formulation of an overall agreement between them to deal with other issues including project services, payment terms and the like, but these discussions continue and have not yet been resolved.

5. On 22 November 1999, I personally sent application forms for execution to Mr. Wright at his address in Ireland under cover of a letter of which a true copy is attached as Exhibit 2 hereto. I subsequently learned that Mr. Holmes resided at a different address, and for safety I therefore sent further copies of the forms to each of Mr. Wright and Mr. Holmes at their last known addresses on 6 December 1999 under cover of letters of that same date. True copies of these letters are attached as Exhibit 3 hereto. The forms I sent to Messrs. Wright and Holmes on each occasion included the U.S. Declaration form and an Assignment, true copies of which are attached hereto as Exhibit 4.

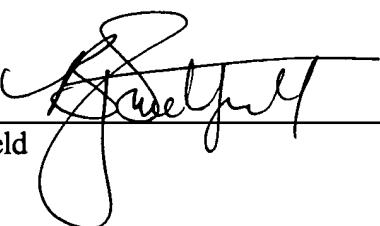
6. On 7 December 1999, I received a letter from Mr. Holmes, Exhibit 5 hereto, indicating that he was concerned about various matters in the definitive agreement being negotiated, and as a result he was not prepared to sign the "assignments". Since the U.S. Declaration form of Exhibit 4 accompanied the Assignment form sent for execution by Mr. Holmes, the subject December 7 letter confirms that he received the U.S. Declaration and reflects his intent not to be cooperative.

7. I further attach as Exhibit 6 an email from Mr. Stephen McDonogh, Legal & Business Affairs Executive of Two Way TV Ltd, to Mr. Holmes, copied to me and again seeking to obtain Mr. Holmes' signature on the forms.

8. To date, we have heard nothing further from Mr. Holmes or Mr. Wright in response to the above-mentioned communications to them, and I have not received any executed application forms for the U.S. Patent Application from either Mr. Holmes or Mr. Wright. The foregoing facts lead me to conclude that Messrs. Wright and Holmes have refused and continue to refuse to sign the application papers for the subject application because of the state of the negotiations referenced above.

9. I hereby declare that all statements herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and alike so made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: 21st June 2005


Biana Stuchfield